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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 1st meeting
Held at Headquarters, New York, on Thursday, 23 February 2006, at 10.30 a.m.

Temporary Chairman: Ms. Fréchette (Deputy Secretary-General)
Chairman: Mr. Hunte ..... (Saint Lucia)

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The meeting was called to order at 10.45 a.m.

Opening of the session by the Deputy Secretary-General

1. **The Temporary Chairman** said that, although the Organization could be proud that more than 80 million people around the world had exercised their right of self-determination under its auspices, its decolonization work remained unfinished, with 16 Non-Self-Governing Territories still to decide their future. The Special Committee had an important role to play in promoting the ideals of self-determination enshrined in the 1960 Declaration on decolonization.

2. The Committee's commitment to those ideals had recently helped to give the people of Tokelau an opportunity to express their views on the Territory's status through a referendum. The Secretary-General had commended the Special Committee, the voters and the Government of New Zealand (the administering Power) for approaching that significant event in a constructive spirit. She hoped that Tokelau would provide an example for progress in other cases, and urged all administering Powers to work with the Special Committee to ensure that the views of the peoples of the remaining Non-Self-Governing Territories were finally heard.

3. She was pleased that the Special Committee continued to be active in informing the inhabitants of Non-Self-Governing Territories about their options for self-determination, through, among other means, its recent mission to Bermuda and its planned visit to the Turks and Caicos Islands. Recalling that Timor-Leste had taken its place as a full-fledged member of the international community as recently as 2002, and that the Special Committee had been instrumental in voicing the aspirations of the Timorese people, she warmly welcomed the offer of the Government of Timor-Leste to host the upcoming Pacific Regional Seminar, and thus serve as a forum for discussion of self-determination.

Adoption of the agenda

4. *The agenda was adopted.*

Election of officers

5. *Mr. Hunte (Saint Lucia) was elected Chairman, Mr. Malmierca Diaz (Cuba) was elected Vice-Chairman, and Mr. Atieh (Syrian Arab Republic) was elected Rapporteur, by acclamation.*

6. *Mr. Hunte (Saint Lucia) took the Chair.*

7. **The Chairman** said that the delegations of Angola, the Holy See, Iceland, Namibia, Peru and Thailand had indicated their wish to participate as observers in the opening meeting of the Special Committee. The delegations of Algeria, Argentina, Morocco and Spain had also been invited to participate. As the African Group had not yet proposed its candidate for the post of Vice-Chairman, elections for that post would be held at the next meeting of the Committee.

8. The Special Committee congratulated the people of Tokelau on taking part in the first ever referendum on their political future. Though the 66-per-cent threshold required for a change in status had not been reached, the Committee had noted the possibility of a further such consultation as part of the self-determination process which continued with the assistance of the New Zealand Government. A separate meeting would be devoted specifically to the question of Tokelau, including a report by the Electoral Affairs Division, which had observed the referendum.

9. The work of the Special Committee was still topical. Decolonization remained among the international responsibilities set forth in Articles 1, 55 and 73 of the Charter of the United Nations, subsequent resolutions of the General Assembly and most recently the 2005 World Summit Outcome. The various human rights instruments dealing with civil and political rights and economic and cultural rights emphasized that self-determination was an integral component of democratic governance and human rights.

10. Many people from the Non-Self-Governing Territories, and participants at every regional seminar dating back to the 1985 seminar in Havana, had insisted that "contemporary colonialism" should not be allowed to exist. The challenges in addressing the situation in the remaining Territories were formidable, but they could be overcome if the specific tasks set by the General Assembly were fulfilled. Accordingly, where there was an information deficit in the Territories, programmes must be put in place to heighten awareness of the options available to their people.

11. Equal rights, justice and the ability of peoples to determine their own future and to govern themselves were goals more easily achieved in the globalized world of the twenty-first century than during an earlier period when those issues had been given a more ideological slant. Though decolonization remained a political process, requiring the political will of all stakeholders, it must not be forgotten that it was also a development process. As Chairman, he would intensify the informal dialogue with the administering Powers in order to speed up the development of long-awaited work programmes for each Territory.

12. In the current era of United Nations reform, the Special Committee had made changes, eliminating its subcommittees, de-politicizing the language of its resolutions and accepting a significant reduction in the level of expert services available to it. It would continue that process by reducing the volume of documentation and seeking innovative ways of backing up its recommendations with the requisite information and analysis. To ensure that the flow of information was maintained, it would make maximum use of the website on decolonization issues.

13. In addressing decolonization in the twenty-first century, the price of maintaining the same approach year after year was far greater than the price of modernizing that approach. In the coming year and beyond, the Special Committee, the Secretary-General, the Department of Political Affairs and the administering Powers must work together to achieve complete decolonization of the Non-Self-Governing Territories by the end of the Second International Decade for the Eradication of Colonialism (2001-2010).

Organization of work (A/AC.109/2006/L.1 and A/AC.109/2006/L.2)

14. **The Chairman** drew attention to a note by the Secretary-General contained in document A/AC.109/2006/L.1, indicating to the Committee the resolutions and decisions relevant to the work of the Special Committee for the current year. The Committee also had before it for consideration document A/AC.109/2006/L.2, which contained a note by the Chairman concerning the organization of the work of the Committee, its programme of work and its timetable. Every effort would be made to complete the Committee's work, as scheduled, by 23 June 2006, so that its report could be made available to the General Assembly at its sixty-first session. He took it that the Committee wished to approve its proposed organization of work for the current year.

15. *It was so decided*

Other matters

16. **Mr. Aisi** (Papua New Guinea) said that, at the joint invitation of the New Zealand and Tokelau Governments, he had represented the Special Committee during Tokelau's referendum on self-government in free association with New Zealand. Preparations for the referendum had begun some time previously, with the approval by the General Fono (the national representative body) in August 2005 of the text of a draft treaty of free association between Tokelau and New Zealand, as a basis for self-determination. The General Fono had also appointed a translation committee and referendum commission. Subsequently, in November 2005, following extensive consultation, the General Fono had approved the translation of a draft constitution and the draft treaty. It had also approved draft referendum rules, including a closing date of 23 December 2005 for voter registration.

17. Significantly, the General Fono had agreed that an overall majority of two thirds, or 66 per cent, of the valid votes cast would be required for a change in Tokelau's status. The referendum to determine Tokelau's future status had taken place over the period from 11 to 15 February 2006, with voting in Apia on 11 February (for eligible Tokelauans residing in Samoa), and in Atafu, Nukunonu and Fakaofo (Tokelau) on 13, 14 and 15 February, respectively. A total of 584 individuals had taken part, 3 ballots had been rejected, 349 had voted in favour of free association with New Zealand and 232 had voted against. The voter turnout had stood at a very high and impressive 95 per cent, but still the required two-thirds majority had not been achieved.

18. General Assembly resolution 1514 (XV) of 14 December 1960 stipulated that decisions regarding the self-determination of the peoples of Non-Self-Governing Territories must be the result of their freely expressed will and desire. All Tokelauans had accepted the outcome of the referendum, which was not in dispute. However, the vote was seen as one step in the process of self-determination, and the Tokelau Council for Ongoing Government had requested the New

Zealand Government to leave the referendum package open for future consideration. The referendum was therefore not a wasted opportunity: thanks to the efforts of many individuals, the people of Tokelau had emerged from the exercise well aware of the issues involved in self-determination and could build on their experience.

19. **Ms. Banks** (New Zealand) said that New Zealand, as the administering Power, and the United Nations had worked closely together for many years to support Tokelau's move towards greater self-reliance. The Special Committee had sent five fact-finding and two special missions to Tokelau since 1976, and Tokelau and New Zealand had been careful to keep the Committee well informed of developments in the Territory. The partnership had worked well for the United Nations, Tokelau and New Zealand.

20. New Zealand and Tokelau had been pleased and grateful that the Special Committee had agreed to send a high-level delegation to observe the referendum held from 11 to 15 February. Although the requisite two-thirds majority had not been reached, the very high level of participation, the 60 per cent support for self-government in free association with New Zealand and the successful conduct of the referendum by Tokelau — with support from New Zealand's Electoral Office — were positive.

21. The objective of self-government had long had the unanimous support of Tokelau's political leadership — at both village and national level. Tokelau itself had initiated the referendum process in 2003, and had driven it ever since. Every decision on that subject had been approved by unanimous vote of Tokelau's General Fono and had been supported by all three village councils. The referendum had followed some three decades of debate, discussion and experimentation with different governance and public service structures and systems. It has been underpinned by an intensive programme of dialogue and consultation in all three villages since the 2003 decision to formally explore the option of self-government in free association with New Zealand.

22. Immediately after the referendum, Tokelau's Council for Ongoing Government had decided to conduct a series of meetings with the three village councils and the General Fono to consider the result and to decide on Tokelau's future course of action. They would be exploring the reasons for a voting pattern that had turned out to be at odds with the views of the political leadership. They had asked that the New Zealand Government keep the current package of the draft constitution and draft treaty on the table in the meantime, intending to re-engage in discussions with New Zealand and the United Nations after a period of reflection and discussion.

23. New Zealand had noted that the Special Committee's emissary favoured such an approach and suggested that, while there would be no change of status for Tokelau in the immediate future, it should not be ruled out for all time. In other words, the referendum should be seen as a step along the path rather than a destination. Rather than voting to remain a dependent territory of New Zealand, Tokelau had simply opted to make no change to the status quo. The New Zealand Government would take full account of the Special Committee's reactions in making its own formal response to the referendum result and to the requests of the Council for Ongoing Government.

24. **Mr. Malmierca Diaz** (Cuba) said that the Tokelau referendum result had been an important step in the exercise of self-determination by the Tokelauan people. It was highly significant that 60 per cent of the population had voted in favour of self-government in free association with New Zealand. His delegation believed that it was not the end of the road and that the current package should indeed be kept on the table. The New Zealand Government's attitude of cooperation with the Special Committee demonstrated what could be achieved if the attitude of a Territory's administering Power was constructive.

25. **Mr. Mekdad** (Syrian Arab Republic) said that the Special Committee had of course hoped for a different outcome in Tokelau. However, the result demonstrated the will of the Tokelau people and the Committee must respect it. It was gratifying to see a Territory exercising its right to self-determination. In that regard, he commended the Government of New Zealand for its efforts. He too believed that it was not the end of the road and that the current package, which had the support of 60 per cent of the population, should be kept on the table. He was sure that, if further discussions were held between New Zealand, Tokelau and the Special Committee, it would not be long before the people of Tokelau had another opportunity to vote on their future status.

26. **Mr. Guterres** (Timor-Leste) congratulated the people of Tokelau and the Government of New Zealand on the high turnout in the recent referendum. He urged the latter to continue working with the people of Tokelau and in that regard endorsed the comment by the representative of New Zealand that the exercise should be seen not as the end of the process, but as part of the process.

27. **The Chairman** said that the Committee would strictly apply the decision of the General Assembly concerning the waiver of a quorum, as it had in previous years. In accordance with that decision, the Committee's meetings would be convened without the presence of the quorum required under rules 67 and 108 of the rules of procedure of the General Assembly. However, the presence of a majority of the members would be required for any decision to be taken.

28. He thanked the Government of Timor-Leste for offering to host the 2006 Pacific Regional Seminar. The offer was very symbolic for the Special Committee, as Timor-Leste was the most recent Non-Self-Governing Territory formerly under the review of the Committee to have achieved a full measure of self-government through independence to join the Committee. He took it that the Committee wished to accept the offer.

29. *It was so decided.*

30. **The Chairman** suggested that the Committee should authorize him to hold consultations, as appropriate, on the preparations for the Seminar. In accordance with established practice, he would hold consultations with the Bureau who, in turn, would consult with Committee members from their respective regional groups. The regional groups should nominate their representatives to participate in the Seminar, taking into account the established principles of the United Nations, including the principle of rotation. He would also hold consultations with a Committee member whose regional group was not represented in the Bureau and with the Bureau with the aim of recommending a list of non-governmental organizations and experts to be invited to the Seminar. He took it that the Committee wished him to proceed along those lines.

31. *It was so decided.*

32. **The Chairman** drew attention to the recent exchange of letters between himself, the Chief Minister of the Turks and Caicos Islands and the Permanent Representative of the United Kingdom, the administering Power of that Territory, on sending a visiting mission to the islands, copies of which had been circulated to all members.

33. He reported that in July 2005, the Chief Minister had formally invited the Special Committee to visit the islands in order to disseminate information on the self-determination and decolonization processes. Consistent with standard practice, he had advised the Chief Minister that his request required the concurrence of the United Kingdom. The United Kingdom had subsequently confirmed that it had no objection to the Committee's accepting the invitation. An independent expert had held preliminary consultations with the Chief Minister in early 2006 and the period of 2 to 9 April 2006 had been identified. It was envisaged that the visit would include meetings in the islands' two main population centres and that consultations would be held with residents in one or more of the smaller islands, in recognition of the Territory's multi-island nature. The special mission would consist of the Chairman, three additional Committee members and two staff members from the Secretariat. Consistent with the successful special mission to Bermuda in 2005, he intended to include an independent expert to provide the necessary substantive expertise. The members of the special mission would be appointed in due course, pending completion of the consultation process. He took it that the Committee agreed to dispatch the said special mission to the Turks and Caicos Islands.

34. *It was so decided.*

35. **The Chairman** said that he had recently circulated copies of his updated programme of implementation for 2006-2007, following extensive consultations with Member States and senior officials of the Secretariat. The document was intended to organize the actions taken by the General Assembly and the Economic and Social Council and identified the relevant United Nations bodies to carry out their respective portions of the decolonization mandate, which had always been meant to be a system-wide undertaking. To that end, he had held consultations with various United Nations offices, beginning with the Decolonization Unit, and was also scheduling meetings with various United Nations agencies. Much of the substantive research called for during the International Decade for the Eradication of Colonialism and by other

pertinent resolutions had yet to be undertaken. In his view, such substantive analysis required specialized expertise not presently available to the Special Committee. He would therefore be seeking alternative measures to ensure that Committee members had the benefit of proper analysis of the contemporary decolonization dynamic.

36. In that regard, a special briefing would be conducted for interested delegations on developments in the small Territories, which constituted most of the Territories on the list, with a presentation by an eminent independent expert. The session would be designed to inform and update Member States on the situation on the ground well in advance of the Committee's session in June. In his view, such innovations were necessary to propel the United Nations system to implementation of the decolonization mandate, bearing in mind that the conclusion of the Second International Decade was fast approaching.

37. **Mr. Okio** (Congo) said that his delegation fully supported the Chairman's programme of implementation for 2006-2007, and was grateful to the Government of Timor-Leste for offering to host the 2006 Pacific Regional Seminar, which would enable the Special Committee to see what had become of Timor-Leste since independence.

38. **Mr. Guterres** (Timor-Leste) thanked the Committee for giving his country an opportunity to host the 2006 Pacific Regional Seminar. His Government would work with the Committee and the Secretariat to ensure that the Seminar was a success.

39. **Mr. Maleki** (Islamic Republic of Iran), referring to the programme of implementation for 2006-2007, wondered whether it might not be a good idea for the Committee to identify one or two Non-Self-Governing Territories that were close to self-determination, rather than asking the relevant organs to implement the Declaration on decolonization in all 16 remaining Non-Self-Governing Territories.

40. **The Chairman** said that it was not always easy to predict which Territories were close to self-determination. Although it was always the people who decided, consultations on the stage of preparedness of each Territory were nonetheless a necessary process. The Special Committee would conduct such an exercise during the current year and would then have a better idea.

41. **Mr. Maleki** (Islamic Republic of Iran) said that it was not difficult to assess, from a social, economic or political point of view, which Territories were close to self-determination. In his view, the Special Committee should ask the relevant organs to work on those criteria, and the Committee could then decide which Territories were closest to self-determination. If the Declaration was implemented equally for all Territories, it could take decades.

42. **The Chairman** said that, even if one Territory was deemed to be closer to self-government than another, the final decision on self-determination rested not with the Special Committee, but with the people. He nonetheless took the point made by the representative of the Islamic Republic of Iran and promised to discuss the matter further.

43. **Mr. Gregoire** (Dominica) commended the Government of New Zealand and the Secretariat for the arrangements they had made for the Tokelau referendum; congratulated the people of Tokelau for their determination to proceed to self-government; thanked the Government of Timor-Leste for agreeing to host the 2006 Pacific Regional Seminar; and, lastly, pledged his delegation's full support for the programme of implementation for 2006-2007.

The meeting rose at 12.05 p.m.